

REMARKS

A substitute Declaration is enclosed herewith to correct the omissions noted by the examiner regarding applicants, Ryu and Dautzenberg.

Claims 1-5, 7 and 8 remain in the application.

Claims 1, 7 and 8 have been amended as suggested to overcome the objection.

Claims 7-8 were rejected under 35 USC 112 second paragraph. The following corrections has been made correct the indefiniteness and overcome the rejections:

claim 7(c)- dehydrogenating to produce normal butenes " and dienes as an effluent".

claim 8

(b)- skeletal isomerization has been replaced with "isopentane" as suggested.

(c)- dehydrogenating to produce normal pentenes " and dienes as an effluent".

The limitation of claim 6 has been incorporated into claim 1, thereby overcoming the 102 rejection as enunciated in the rejection.

Claims 1-5, 7 and 8 will all be considered as coming within the examiner's 103 rejection. The rejection of claims 1-5, 7 and 8 under 35 USC 103(a) over Allender in view of Vora is respectfully traversed.

Allender is related to producing a motor fuel from C₄ streams and carries out a process where normal butane is separate from isobutane , a portion of the butane is dehydrogenated to butene, another portion of the n-butane is isomerized to isobutane and the n-butene and isobutane reacted to form alkylate (C₈). All of the present claims

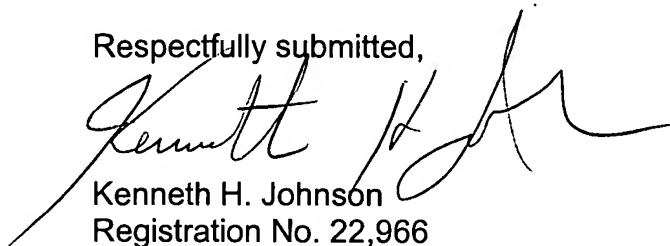
recite the production of diene in the dehydrogenation and the selective hydrogenation of the diene in another step. The examiner acknowledges that Allender does not disclose the selective hydrogenation step and cites Vora to cure the defect in the art by combining the references.

“A critical step in analyzing the patentability of claims pursuant to section 103(a) is casting the mind back to the time of the invention, to consider the thinking of one of ordinary skill in the art, guided by the prior art references and the then-accepted wisdom in the field.” *In re Kotzab*, 217 F.3d 1365, 1369-70, 55 USPQ2d 1313, 1316-17 (Fed. Cir. 2000). When one considers the rejection in this light, the evidence is seen to be inadequate to support the rationale as advanced by the examiner. While Vora discloses selective hydrogenation of dienes contained in a dehydrogenation zone effluent stream, there is no incentive from that alone to introduce such as a step in the Allender process, in view of the absence of the suggestion of any need to so treat the Allender stream.

Thus it is not obvious to employ the recited components because there is no teaching or suggestion to combine anyone with any other component. References are not properly combined if there is no suggestion therein that they should or could be combined, absent applicant's disclosure. *Ex parte Lennox*, 144 USPQ 224; *In re Stephens, et al.*, 145 USPQ 656; *Ex parte McKay*, 147 USPQ 220; *In re Pye, et al.*, 148 USPQ 426; *In re Imperato*, 179 USPQ 730. See also *Ex parte Levengood*, 28 USPQ2d 1300 (BdPatApp 1993). The examiner can satisfy the burden of showing obviousness of the combination “only by showing some objective teaching in the prior art or that

knowledge generally available to one of ordinary skill in the art would lead that individual to combine the relevant teachings of the references", *In re Lee*, 61 USPQ2d 1430, 1434 (Fed. Cir. 2002), citing *In re Fritch*, 972 F.2d 1260, 1265, 23 USPQ2d 1780, 1783 (Fed. Cir. 1992). In the present situation the record contains no evidence of a motivation, the mere assertion that the modification of Allender's process by Vora is "obvious" because Vora removes impurities in its process for downstream uses unrelated to the present field of art, by the examiner is not "objective prior art" to present such evidence.

Respectfully submitted,




Kenneth H. Johnson
Registration No. 22,966
Attorney for applicants
P.O. Box 630708
Houston, Texas 77263
Telephone: 713-780-7047
Fax: 713-780 7671

CERTIFICATE OF MAILING

I hereby certify that this correspondence is being deposited with the United States Postal Service as first class mail in an envelope addressed to:

Commissioner for Patents
P.O. Box 1450
Alexandria, VA 22313-1450

on 06/30/03


KENNETH H. JOHNSON